

Amendment No. 1 to SB1163

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1163

House Bill No. 1016

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 30-2-601(a)(1), is amended by adding the following at the end of the subdivision:

If accountings have been waived by the decedent's will or other pleadings filed with the court, the personal representative shall not be required to file a detailed accounting but shall be required to file a status report detailing any remaining estate issues within fifteen (15) months from the date of qualification and each year thereafter that the estate remains open. Upon application of one (1) or more of the distributees of the residue, the court may require the personal representative to file a detailed accounting with the court.

SECTION 2. Tennessee Code Annotated, Section 30-2-601(b)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) That the personal representative has properly administered the estate, has paid or settled all claims that were lawfully presented, has paid all expenses of administration, has mailed or delivered notice of the requirement to file claims, as prescribed in § 30-2-306(d), to the creditors of the decedent who were known to or reasonably ascertainable by the personal representative, has for estates where the death occurred prior to January 1, 2016, filed with the court a final receipt from the department of revenue unless waived pursuant to § 67-8-409(g), has distributed the estate according to the will and obtained and filed receipts for specific bequests as required by § 30-2-707, or has distributed the estate according to the laws of intestate succession; and

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SECTION 3. Tennessee Code Annotated, Section 30-2-601(b), is further amended by adding the following language as a new subdivision (3):

(3) If the personal representative has made diligent efforts, satisfactory to the court, to obtain an acknowledgement from any distributee, and one (1) or more have failed to comply, the personal representative may move the court for closure of the estate by giving notice of the pending settlement to the non-compliant distributee. Failure of the non-compliant distributee to appear or participate in the hearing shall result in a final order closing the estate.

SECTION 4. Tennessee Code Annotated, Section 30-2-601(d), is amended by deleting the subdivision and substituting instead the following:

(d) In connection with any final settlement with the court, it is necessary for the receipt of any legatee or distributee to be executed under penalty of perjury or otherwise sworn before the clerk or a notary public, in a form developed by the administrative office of the courts. The form shall be posted on the website of the administrative office of the courts where it can be copied by the legatee or distributee or provided to the legatee or distributee by the court or the court clerk.

SECTION 5. Tennessee Code Annotated, Section 30-2-602, is amended by deleting the language "settle the accounts as prescribed" and substituting instead the language "settle the accounts or file a status report as prescribed".

SECTION 6. Tennessee Code Annotated, Section 30-2-701, is amended by deleting the period at the end of the section and substituting instead the language "in accordance with title 30, chapter 2, part 6."

SECTION 7. Tennessee Code Annotated, Section 30-2-707, is amended by deleting the last sentence of the section and substituting instead the following:

It shall be necessary for the receipt to be executed under penalty of perjury or otherwise sworn before the clerk or a notary public. In the event that one (1) or more distributees refuse to acknowledge receipt of their respective share, the personal representative shall proceed to close the estate in accordance with title 30, chapter 2, part 6. The receipt shall be in a form developed by the administrative office of the courts. The form shall be posted on the website of the administrative office of the courts where it can be copied by the legatee or distributee or provided to the legatee or distributee by the court or the court clerk.

SECTION 8. This act shall take effect July 1, 2017, the public welfare requiring it.